

RESOLUTION NO. 2012-04

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION DEED AND CONVEYANCE OF CERTAIN REAL PROPERTY FROM MAE VIEHLAND, TRUSTEE OF THE JULY 2, 2008 RESTATEMENT OF THE VIEHLAND JOINT REVOCABLE LIVING TRUST U/A AUGUST 12, 1997 AS A GIFT TO THE CITY OF PACIFIC; AUTHORIZING THE EXECUTION AND RECORDATION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FURTHER AUTHORITY

WHEREAS, Mae Viehland, Trustee of the July 2, 2008 restatement of the Viehland Joint Revocable Living Trust U/A August 12, 1997 (“Grantor”) owns certain real property lying and being situated in the City of Pacific, Franklin County, Missouri (the “Property”), as more particularly described in the form of Deed of Donation attached hereto as Exhibit A and incorporated herein for all purposes (the “Deed”); and

WHEREAS, Grantor desires to voluntarily convey the Property and all improvements thereon, if any, as a donation to the City to be owned and held for unrestricted public purposes; and

WHEREAS, the City desires to accept the donation of the Property subject to the terms and conditions of the Deed and the Board of Aldermen has determined that it is in the public interest for the City to accept the donation and conveyance of the Property; and

WHEREAS, the Board of Aldermen desires to authorize the City Administrator to execute such documents and to expend such funds as are necessary to complete the donation and conveyance of the Property to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:

Section One. The Board of Aldermen hereby authorizes the acceptance of the donation and conveyance of the Property from Grantor as a donation to the City of Pacific for use for any valid public purpose and approves the Deed of Donation in substantially the form attached hereto as Exhibit A. The Property shall be conveyed by the Deed of Donation with general warranty provisions.

Section Two. The City Administrator, City Clerk, and City Attorney is each hereby authorized to execute any and all documents necessary to effect the donation and conveyance of the Property as a donation to the City, including, without limitation, the acceptance and recordation of the Deed of Donation in the Records of Franklin County, Missouri. All taxes due shall be paid on the Property prior to written acceptance by the City. The City Administrator is authorized to pay such reasonable costs of the transaction as may be necessary.

Section Three. Nothing herein or in the conveyance shall be deemed to restrict the use of the Property by the City or the City’s right to convey or transfer any interest therein.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**ADOPTED BY THE BOARD OF ALDERMEN AND APPROVED BY THE
MAYOR THIS _____ DAY OF _____, 2012.**

HERBERT C. ADAMS, Mayor

ATTEST:

City Clerk

**Exhibit A
To
Ordinance**

Form of Deed of Donation

_____[Space Above this Line for Recording Data]_____

Title of Document: Deed of Donation

Date of Document: January ____, 2012

Grantor: **Mae Viehland, Trustee of the July 2, 2008 restatement of the Viehland Joint Revocable Living Trust U/A August 12, 1997**

Grantor's Address: 213 East Congress
Pacific, Missouri 63069

Grantee: City of Pacific, Missouri

Grantee's Address: 300 Hoven Drive
Pacific, Missouri 63069

Full Legal Description:
Legal Description is contained on page 4 hereof.

Reference Book(s) and Page(s), if required:

DEED OF DONATION

THIS DEED is made and entered into as of January ____, 2012, by and between **Mae Viehland, Trustee of the July 2, 2008 restatement of the Viehland Joint Revocable Living Trust U/A August 12, 1997** with an address at 213 East Congress, Pacific, Missouri 63069 (“Grantor”) and the City of Pacific, Missouri, a municipal corporation with an address at 300 Hoven Drive, Pacific, Missouri 63069 (“Grantee”).

WITNESSETH, that Grantor, as a donation to Grantee and in confirmation of Grantor’s donative intent, does hereby GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto Grantee, and its successors and assigns, for public purposes, all of the real property described in Exhibit A attached hereto and incorporated herein for all purposes, located in the City of Pacific, County of Franklin, State of Missouri (the “Property”), subject to deed restrictions, covenants, easements, and rights-of-way of record.

TO HAVE AND TO HOLD the Property, together with all rights and appurtenances belonging to the Property, unto GRANTEE and unto GRANTEE’s successors and assigns forever. GRANTOR covenants that GRANTOR shall and will WARRANT AND DEFEND the title to the Property unto GRANTEE and GRANTEE’S successors and assigns, against the lawful claims of all persons. The foregoing covenant does not include the general taxes for the calendar year 2011 and thereafter, and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, GRANTOR has executed this Deed as of the date first above written.

GRANTOR

**Mae Viehland, Trustee of the July 2, 2008
restatement of the Viehland Joint Revocable
Living Trust U/A August 12, 1997**

STATE OF MISSOURI)
)
COUNTY OF FRANKLIN) SS

On this _____ day of January, 2012, before me personally appeared **Mae Viehland, Trustee of the July 2, 2008 restatement of the Viehland Joint Revocable Living Trust U/A August 12, 1997**, known to me to be the person who executed the foregoing instrument and she acknowledged to me that she each executed the same in the capacity therein stated, for the purposes therein expressed, and as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, on the day and year first above written.

Notary Public

My Commission Expires:

EXHIBIT A

TRACT ONE: LOT THIRTEEN (13), BLOCK THIRTY-NINE (39) OF WM. C. INK'S ADDITION TO THE TOWN (NOW CITY) OF PACIFIC, AS PER PLAT OF RECORD IN PLAT BOOK A, PAGE 14 IN THE OFFICE OF THE RECORDER OF DEEDS.

TRACT TWO: LOTS ELEVEN (11) AND TWELVE (12), BLOCK THIRTY-NINE (39) OF WM. C. INK'S ADDITION TO PACIFIC, AS PER PLAT OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS WITHIN AND FOR FRANKLIN COUNTY, MISSOURI.

TRACT THREE: THE WEST HALF OF LOT EIGHT (8) AND ALL OF LOTS NINE (9), TEN (10), ELEVEN (11), AND TWELVE (12), BLOCK THIRTY-ONE (31) OF WILLIAM C. INK'S ADDITION TO THE TOWN (NOW CITY) OF PACIFIC, AS PER PLAT OF RECORD IN PLAT BOOK A, PAGE 14 IN THE OFFICE OF THE RECORDER OF DEEDS.

TRACT FOUR: A PARCEL OF LAND IN THE CITY OF PACIFIC, BEING PART OF THE SOUTHEAST QR. OF THE SOUTHEAST QR. OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE IN THE SOUTH LINE OF CONGRESS STREET WHICH IS 366 FEET NORTH 89° 30' EAST FROM THE NORTHEAST CORNER OF LOT 183 OF THE ORIGINAL TOWN OF PACIFIC AND RUN THENCE NORTH 89° 30' EAST 825 FEET TO AN IRON ROD, THENCE SOUTH 0° 15' WEST 223 FEET, SOUTH 51° 30' EAST 51.5 FEET AND SOUTH 70° 30' EAST 100 FEET TO A POINT IN RANGE LINE, THENCE SOUTH ON RANGE LINE 66 FEET TO A STAKE, THENCE SOUTH 89° 30' WEST 1,315 FEET TO A STAKE WHICH IS 16 FEET NORTH 89° 30' EAST FROM A STAKE AT THE NORTHEAST CORNER OF LOT 252 OF THE ORIGINAL TOWN OF PACIFIC, THENCE NORTH 1° 07' EAST 60 FEET TO AN IRON PIPE, THENCE NORTH 89° 30' EAST 350 FEET TO A STAKE AND THENCE NORTH 1° 07' EAST 300 FEET TO THE POINT OF BEGINNING, CONTAINING 7.59 ACRES, ACCORDING TO SURVEY BY E. F. KAPPELMANN, COUNTY SURVEYOR, OF RECORD IN SURVEYOR'S RECORD 16, PAGE 170.

TRACT FIVE: LOTS SEVEN (7), EIGHT (8), NINE (9), TEN (10) AND A STRIP OF GROUND OF THE UNIFORM WIDTH OF 10 FEET OFF THE EAST SAID OF LOT ELEVEN (11), IN BLOCK THIRTY-NINE (39) OF WM. C. INK'S ADDITION TO THE CITY OF PACIFIC, AS PER PLAT OF RECORD IN PLAT BOOK A, PAGE 14 IN THE OFFICE OF THE RECORDER OF DEEDS.